

March 21, 2011  
FILED AS MISC. FORM 99

Rosa Lewis  
Reports Analysis Division  
Federal Elections Commission  
999 E St, NW  
Washington, DC 20463

RE: PROTECTING CHOICE IN CALIFORNIA 2010 (ID# C00488502) AMENDED 12 DAY PRE-GENERAL REPORT (10/1/10-10/13/10)

Dear Ms. Lewis:

Our firm acts as campaign counsel for the above referenced committee and its treasurer. We are in receipt of your letter dated February 14, 2011 regarding the Pre-General Report filed by our client. Below are responses to each of the issues raised in your letter. By separate filing, we are responding to similar questions you raised regarding the Post-General Report.

As we have discussed, the committee engaged in joint federal-state independent expenditure activities which included various types of grass roots voter contact activities conducted as in-kind contributions to the committee. This resulted in some reporting complexities since we had to use estimates for many of the independent expenditure activities, which had to be revised on occasion as described below. In addition, we encountered several glitches with the reporting software we use in preparing the federal reports for the activity, as we explain below in more detail. However, our review of your questions and the reports clearly indicate that the committee timely and fully disclosed all of its activities prior to the election.

In response to the specific questions in your letter, please be advised as follows:

1. Your amended report discloses additional receipts totaling \$28,740.72 on Line 11(a)(i) of the Detailed Summary Page that were not disclosed on your original report.

At the time the Pre-General Report was prepared and filed, there were credit card contributions which had been made by the donors, but the committee had not yet processed the contributions or entered the information for the report due to issues with the processing of the contributions. As soon as the contributions were processed, and the data entered, the report was quickly amended to add the contributions.

In addition, there was an error in how these receipts were initially reported due to a problem with our reporting software. The total of \$27,520.00 was initially reflected on line 11(a)(i) because the intermediary entity was originally reported as the parent transaction, which caused all entries to itemize and appear on line 11(a)(i). When we discovered this issue, the report was amended to show the individual contributor as the parent transaction, which caused some contributors to fall into the unitemized category (a total of \$520.00) on line 11(a)(ii). In addition, this second amendment also added two bank refunds totaling \$87.56, which caused these amounts and the previously disclosed bank refund of \$43.78 to itemize on line 15.

With respect to the total receipts for the period, the report was amended a third time to reflect an increase of \$1,133.16 in nonmonetary contributions from Planned Parenthood Affiliates of California because their actual

\*\*\*\*\*

## ETEXT ATTACHMENT

contributions during this period (\$3,530.10) were determined to be more than originally estimated (\$2,396.94).

2. Your amended report fails to disclose disbursements previously disclosed on your 12 Day Pre-General Report, received 10/21/10.

All disbursements were fully disclosed. The items that were removed from the amended report were independent expenditures reported on Schedule E that were also reported on Schedule B, line 29 due to a coding error in the reporting software. The amendment simply deleted the duplicate entries from the Schedule B.

We had understood, as you stated in your letter, that the committee should delete erroneously entered data entirely rather than using negative entries to offset the receipt or disbursement entered and this is what was done.

3. Your letter requests clarification on the description State Election Activity on Schedule B, line 29 of the report.

We have discussed this issue in detail with you, and amendments have been prepared which will amend the descriptions to state election communication or state election polling as appropriate, pursuant to your direction over the phone and in an email on March 2, 2011.

4. Your letter requests clarification of descriptions containing Voter Contact Activity on Schedule E.

We have also reviewed the descriptions with you, and amendments to the report have been prepared consistent with your guidance.

Please let us know if you have any questions concerning our responses to your letter. We also appreciate the time you have taken to guide us on the reports, and in particular with the descriptions of the independent expenditure activities.

Very truly yours,

OLSON HAGEL & FISHBURN LLP

DIANE FISHBURN

DMF:LEK

\*\*\*\*\*